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State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

0239

December 8, 2014

CERTIFIED RETURN RECEIPT
7013 2250 0000 2309 2294

Eric Lewis
GR 200 Plus, LLC
PO Box 681271
Houston Texas 77268

Subject: Proposed Assessment for State Cessation Order MN-2014-68-02, GR200 Plus LLC,
GR 200 Plus Mine, S/019/0066, Grand County, Utah

Response Due By: 30 Days of Receipt

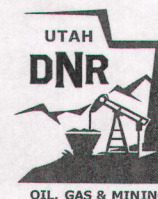
Dear Mr. Lewis:

The undersigned has been appointed by the Division of Oil, Gas & Mining as the assessment officer for assessing penalties under R647-7.

Enclosed is the proposed civil penalty assessment for the above referenced cessation order. The cessation order was issued by Division inspector Mike Bradley on September 22, 2014. Rule R647-7-103 et. seq. has been utilized to determine the proposed penalty of \$3,630.00. The enclosed worksheet outlines how the civil penalty was assessed.

By these rules, any written information which was submitted by you or your agent within fifteen (15) days of receipt of this Cessation Order has been considered in determining the facts surrounding the violation and the amount of this penalty.

Under rule R647-7-106, there are two informal appeal options available. You may appeal the 'fact of the violation', the proposed civil penalty, or both. If you wish to informally appeal you should file a written request for an informal conference within thirty 30 days of receipt of this letter.

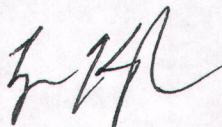


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The informal conference will be conducted by a Division-appointed conference officer. The informal conference for the fact of the violation is distinct from the informal assessment conference regarding the proposed penalty. If you wish to review both the fact of the violation and proposed penalty assessment, you should file a written request for an assessment conference within thirty (30) days of receipt of this letter. In this case, the assessment conference will be scheduled immediately following the review of the fact of the violation.

If a timely request for review is not made, the fact of the violation will stand, the proposed penalty will become final, and will be due and payable within thirty (30) days of the date of this proposed assessment (by January 7, 2015). Please remit payment to the Division, mail c/o Sheri Sasaki.

Sincerely,



Lynn Kunzler
Assessment Officer

LK: eb

Enclosure: Proposed assessment worksheet

cc: Sheri Sasaki, Accounting
Vickie Southwick, Exec. Sec.

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WORKSHEET FOR ASSESSMENT OF PENALTIES
DIVISION OF OIL, GAS & MINING
Minerals Regulatory Program

NOV / CO #: MN-2014-68-02 PERMIT: S/019/0066
COMPANY / MINE GR 200 Plus LLC/ GR 200 Plus Mine

ASSESSMENT DATE December 8, 2014
ASSESSMENT OFFICER Lynn Kunzler

I. HISTORY (Max. 25 pts.) (R647-7-103.2.11)

- A. Are there previous violations, which are not pending or vacated, which fall three (3) years of today's date?

PREVIOUS VIOLATIONS	EFFECTIVE DATE	POINTS (1pt for NOV 5pts for CO)
<u>None</u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>
		TOTAL HISTORY POINTS <u>0</u>

II. SERIOUSNESS (Max 45pts) (R647-7-103.2.12)

NOTE: For assignment of points in Parts II and III, the following apply:

1. Based on facts supplied by the inspector, the Assessment Officer will determine within each category where the violation falls.
2. Beginning at the mid-point of the category, the Assessment Officer will adjust the points up or down, utilizing the inspector=s and operator=s statements as guiding documents.

Is this an EVENT (A) or Administrative (B) violation? Event (A)
(assign points according to A or B)

A. **EVENT VIOLATIONS** (Max 45 pts.)

1. What is the event which the violated standard was designed to prevent?
Activity outside permitted area, Conducting activities without appropriate approvals, Property Damage, Environmental Harm
2. What is the probability of the occurrence of the event which a violated standard was designed to prevent? Occurred

<u>PROBABILITY</u>	<u>POINT RANGE</u>
None	0
Unlikely	1-9
Likely	10-19
Occurred	20

ASSIGN PROBABILITY OF OCCURRENCE POINTS 20

PROVIDE AN EXPLANATION OF POINTS: The site was permitted for 5 acres of disturbance, approximately 19 acres had been disturbed. There was also an oil spill, and improper storage of fuels, oils, and other potential hazardous materials on site. At least 2 of the events cited had occurred (activity outside permitted area, and not having

appropriate approvals. The other 2 events are considered likely to occur, due to proximity to the river and lack of control. Maximum points assigned.

3. What is the extent of actual or potential damage: Damage has extended beyond the permitted area; potential damage could affect the Green River.

ASSIGN DAMAGE POINTS(RANGE 0-25) 25

In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

PROVIDE AN EXPLANATION OF POINTS: 14 acres that were unpermitted have been disturbed, improper storage of fuel, oils, and other deleterious/hazardous materials in close proximity to the Green River, without protections would be very extensive if event occurred. Points assigned an maximum amount. The site is only bonded for 5 acres, so it is unlikely that there would be sufficient funds for the Division to reclaim the entire site if that became necessary.

B. ADMINISTRATIVE VIOLATIONS (Max 25pts)

1. Is this a POTENTIAL or ACTUAL hindrance to enforcement? _____
Assign points based on the extent to which enforcement is actually or potentially hindered by the violation.

ASSIGN HINDRANCE POINTS _____

PROVIDE AN EXPLANATION OF POINTS: _____

TOTAL SERIOUSNESS POINTS (A or B) 45

III. DEGREE OF FAULT (Max 30 pts.) (R647-7-103.2.13)

A. IF SO--NO NEGLIGENCE; or, IF SO--GREATER DEGREE OF FAULT THAN NEGLIGENCE.		Point Range
No Negligence (Was this an inadvertent violation which was unavoidable by the exercise of reasonable care?)		0
Negligence (was this a failure of a permittee to prevent the occurrence of a violation due to indifference lack of diligence, or lack of reasonable care?)		1-15
Greater Degree of Fault (was this a failure to abate any violation or was economic gain realized by the permittee?)		16-30

STATE DEGREE OF NEGLIGENCE Ordinary Negligence

ASSIGN NEGLIGENCE POINTS 8

PROVIDE AN EXPLANATION OF POINTS: There was no information that the operator had been warned of the issues raised in this Cessation Order. However, a

prudent operator should be aware that they cannot disturb more acreage than what is permitted, and certainly should have known that the disturbed acreage of 19 acres exceeded the 5 acres permitted and bonded.

IV. GOOD FAITH (Max 20 pts.) (R467-7-103.2.14)

This Cessation Order has not yet been abated; therefore, Good Faith Points cannot be considered in this proposed assessment.

(Either A or B) (Does not apply to violations requiring no abatement measures, or violations not abated at the time of assessment)

Has Violation Been Abated? Yes / No

- A. **EASY ABATEMENT** (The operator had onsite, the resources necessary to achieve compliance of the violated standard within the permit area.)

	<u>Point Range</u>
Immediate Compliance (Immediately following the issuance of the NOV)	-11 to -20
Rapid Compliance (Permittee used diligence to abate the violation. Violation abated in less time than allotted.)	-1 to -10
Normal Compliance (Operator complied within the abatement period required, or, Operator requested an extension to abatement time)	0

- B. **DIFFICULT ABATEMENT** (The operator did not have the resources at hand to achieve compliance, or the submission of plans was required prior to physical activity to achieve compliance.)

	<u>Point Range</u>
Rapid Compliance (Permittee used diligence to abate the violation. Violation abated in less time than allotted.)	-11 to -20
Normal Compliance (Operator complied within the abatement period)	-1 to -10
Extended Compliance (Operator complied within the abatement period required, or, Operator requested an extension to abatement time) (Permittee took minimal actions for abatement to stay within the limits of the violation, or the plan submitted for abatement was incomplete.)	0

EASY OR DIFFICULT ABATEMENT? _____

ASSIGN GOOD FAITH POINTS _____

PROVIDE AN EXPLANATION OF POINTS: _____

V. ASSESSMENT SUMMARY (R647-7-103.3)

I.	TOTAL HISTORY POINTS	<u>0</u>
II.	TOTAL SERIOUSNESS POINTS	<u>45</u>
III.	TOTAL NEGLIGENCE POINTS	<u>8</u>

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IV.	TOTAL GOOD FAITH POINTS	<u>0</u>
	TOTAL ASSESSED POINTS	<u>53</u>
	TOTAL ASSESSED FINE	<u>\$ 3,630.00</u>